

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the Office action dated March 16, 2004. Claims 1-20 and 22-31 are presented in the application for examination. Claims 1, 13, 15, 17, 20, 24, and 29 have been amended by this Amendment A. Claims 30 and 31 have been added by this Amendment A. Claim 21 has been cancelled by this Amendment A. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. Applicants submit that the recited invention is clearly distinguishable over the cited art, particularly considering the claim amendments.

Cain (U.S. Pat. No. 5,720,502)

The Examiner rejected claims 1-6, 8, 14-19, 20-23, and 28 under 35 U.S.C. 102(b) as being anticipated by Cain (U.S. Pat. No. 5,720,502). Cain discloses a patient pain communication apparatus to communicate pain sources, pain locations, and pain intensity from a patient to a health care provider (col. 2, lines 43-47). In particular, Cain teaches icons placed on silhouettes "in particular locations to indicate pain location" (col. 3, lines 44-47, emphasis added). That is, the location of each icon is specific to the particular patient (e.g., the pain location for the patient).

In contrast, the present invention relates icons to a predetermined position in a fixed image. Upon receiving information that identifies certain conditions of the patient, the present invention includes selecting icons corresponding to the identified conditions. The selected icons are displayed at the respective predetermined positions in the fixed image. That is, the location of a particular icon in the present invention is the same across all fixed images, even for different patients, while the selection of icons and resulting fixed images are specific to the conditions of each patient.

The system of Cain does not teach, imply, or suggest a universal position for each of the icons. In fact, the system of Cain teaches away from the present invention by indicating that the location of each icon may vary depending on the pain location specific to each patient. As such, Applicants assert that independent claims 1, 15, 20, and 29 are clearly distinguishable over Cain and are therefore allowable. Applicants

submit that the rejection to independent claims 1, 15, 20, and 29 and the claims that depend from these independent claims must be withdrawn.

Request for Interview

In the event that the Examiner does not allow this application in response to this Amendment A, Applicants request an interview. An interview request form is attached.

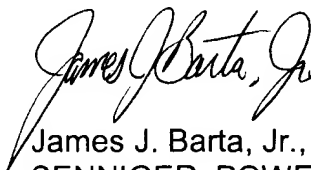
Conclusion

Thus, it is submitted that independent claims 1, 15, 20, and 29 and claims 2-14, 16-19, 22-28, 30, and 31 depending from the independent claims are patentable and distinguishable over the cited art. No new matter is believed to have been introduced by this Amendment A. Each of the dependent claims recites features in combination with features recited by an independent claim which combination of features is not taught by Cain.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Enclosed herewith is a fee transmittal regarding the additional claim fee. If there are any additional charges in this matter, please charge Deposit Account No. 19-1345.

Respectfully submitted,



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Applicant Initiated Interview Request Form

Application No.: 09/870,373 First Named Applicant: LaVonne Cule et al.

Examiner: Adam M. Lewis Art Unit: 2173 Status of Application: _____

Tentative Participants:

(1) Examiner Lewis (2) James J. Barta, Jr. (Reg. No. 47,409)

Proposed Date of Interview: TBD Proposed Time: TBD

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
Any remaining rejected claims		TBD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Brief Description of Arguments to be Presented:

TBD

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

James J. Barta, Jr.
(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)